

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 11-02499 DMR	DATE FILED 5/23/2011	U.S. DISTRICT COURT Oakland Division, 1301 Clay Street, Suite 400S, Oakland, CA 94612
PLAINTIFF TRIC TOOLS INC		DEFENDANT RAM HYDRAULIC MANUFACTURING LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
16,305,880		*See Attached Complaint
26,524,031		
36,793,443		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK Richard W. Wieking	(BY) DEPUTY CLERK Valerie Kyono	DATE May 25, 2011
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Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

Craig S. Miller (State Bar No. No. 139682)  
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Attorneys for Plaintiff  
TRIC Tools, Inc.

ORIGINAL  
FILED  
29 P 1:07  
RICHARD W. WIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT

DMR

FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

**11 2499**

TRIC TOOLS, INC.,

Case No.

Plaintiff,

COMPLAINT FOR:

vs.

(1) PATENT INFRINGEMENT, AND

(2) INDUCING PATENT INFRINGEMENT

RAM HYDRAULIC MANUFACTURING, LLC,

DEMAND FOR JURY TRIAL

Defendant.

Plaintiff alleges:

**I. THE PARTIES**

(1)

Plaintiff, TRIC Tools, Inc. is a California corporation, with a principal place of business in Alameda, California.

(2)

Defendant, RAM Hydraulic Manufacturing, LLC is an Oregon limited liability company, with a principal place of business in Grants Pass, Oregon.

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1 **II. NATURE OF THE CASE**

2 (3)

3 This is an action arising under the Patent Laws and Statutes of the United States in which  
4 TRIC Tools, Inc. seeks to enjoin and to recover for patent infringement, and for any and all  
5 damages and costs flowing therefrom.

6 **III. JURISDICTION AND VENUE**

7 (4)

8 This Court has exclusive jurisdiction of the patent infringement claim pursuant to the  
9 Patent Laws and Statutes of the United States (35 U.S.C. §§271, *et seq.* and §281, including 28  
10 U.S.C. §§1331, 1338, 2201-2202).

11 (5)

12 Venue is proper in this district under 28 U.S.C §1391.

13 **III. GENERAL ALLEGATIONS**

14 (6)

15 TRIC Tools, Inc. is the owner of United States Patents No. 6305880, issued October 23,  
16 2001; 6524031, issued February 25, 2003; and 6793442, issued September 21, 2004 ("the  
17 Patents").

18 (7)

19 The Patents concern, *inter alia*, trenchless pipe replacement devices and methods.

20 (8)

21 TRIC Tools, Inc. has complied with the statutory requirement of placing a notice of the  
22 Letters Patent on equipment it manufactures and sells.

23 (9)

24 TRIC Tools, Inc. has given RAM Hydraulic Manufacturing, LLC written notice of its  
25 infringement of TRIC Tools, Inc.'s patents.

26 //

27 //

(10)

RAM Hydraulic Manufacturing, LLC manufactures and sells products abroad that are combined into assemblies that, in the United States, would infringe TRIC Tools, Inc.'s patents.

(11)

RAM Hydraulic Manufacturing, LLC actively induces others in foreign countries to engage in activities which, in the United States, would infringe TRIC Tools, Inc.'s patents.

(12)

RAM Hydraulic Manufacturing, LLC sells products in this District, as well as makes products on behalf of TRIC Tools, Inc.

(13)

RAM Hydraulic Manufacturing, LLC's acts of infringement, and inducing infringement are willful because it was previously served with a cease and desist letter by TRIC Tools, Inc.'s prior counsel, it briefly ceased its infringing activities, it has resumed its infringing activities, and it has refused to cease its current infringing activities.

#### IV. CAUSES OF ACTION

##### COUNT I: Patent Infringement under 35 U.S.C §171(f)(2)

(14)

TRIC Tools, Inc. incorporates and re-alleges all allegations of all paragraphs of the General Allegations, as if set out verbatim at length.

(15)

RAM Hydraulic Manufacturing, LLC has infringed, and is still infringing, TRIC Tools, Inc.'s Patents by making, selling, offering for sale, and using equipment that is specifically designed for use in the patented invention, and RAM Hydraulic Manufacturing, LLC will continue to do so unless enjoined by this Court.

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1 (16)

2 TRIC Tools, Inc. has suffered damages from RAM Hydraulic Manufacturing, LLC's  
3 infringing activities, and will suffer additional damages unless RAM Hydraulic Manufacturing,  
4 LLC is enjoined by the Court from continuing such activities.

5 (17)

6 On information and belief, RAM Hydraulic Manufacturing, LLC's infringing activities  
7 have been willful and deliberate, thus warranting an increase of the damages recoverable by  
8 TRIC Tools, Inc. under the provisions of 35 U.S.C. §284, in an amount up to three times the  
9 actual damages sustained by TRIC Tools, Inc., and also making this an exceptional case within  
10 the meaning of 35 U.S.C. §285.

11 (18)

12 The above referenced conduct of RAM Hydraulic Manufacturing, LLC violates 35 U.S.C.  
13 §171(f)(2) by supplying from the United States a component of a patented invention that is  
14 especially made or especially adapted for use in the invention and not a staple article or  
15 commodity of commerce suitable for substantial non-infringing use, knowing that such  
16 component is so made or adapted and intending that such component will be combined outside of  
17 the United States.

18 **COUNT II: Actively Inducing Patent Infringement under 35 U.S.C. §171(f)(1)**

19 (19)

20 TRIC Tools, Inc. incorporates and re-alleges all allegations of all paragraphs of the  
21 General Allegations, as if set out verbatim at length.

22 (20)

23 On information and belief, RAM Hydraulic Manufacturing, LLC makes, sells, and/or  
24 offers to sell components of the patented inventions, along with accompanying documents,  
25 written instructions, and/or other instructions, on how to manufacture, and operate the patented  
26 invention.

27 //

1 (21)

2 On information and belief, RAM Hydraulic Manufacturing, LLC was, and is, aware that  
3 such documents, written instructions, and/or other instructions, are inducing persons abroad to  
4 infringe the claims of the Patent.

5 (22)

6 TRIC Tools, Inc. has suffered damages from RAM Hydraulic Manufacturing, LLC's  
7 active inducement of infringement of the Patents abroad, and will suffer additional damages  
8 unless RAM Hydraulic Manufacturing, LLC is enjoined by the Court from continuing its  
9 inducing activities.

10 (23)

11 On information and belief, RAM Hydraulic Manufacturing, LLC's infringing activities  
12 have been willful and deliberate, thus warranting an increase of the damages recoverable by  
13 TRIC Tools, Inc. under the provisions of 35 U.S.C. §284, in an amount up to three times the  
14 actual damages sustained by TRIC Tools, Inc., and also making this an exceptional case within  
15 the meaning of 35 U.S.C. §285.

16 (24)

17 The above referenced conduct of RAM Hydraulic Manufacturing, LLC violates 35 U.S.C.  
18 §171(f)(1), by supplying from the United States a substantial portion of the components of TRIC  
19 Tools, Inc.'s patented inventions, where such components are uncombined in such manner as to  
20 actively induce the combination of such components outside of the United States in a manner  
21 that would infringe the patent if such combination occurred within the United States.

22 **V. RELIEF**

23 Wherefore, TRIC Tools, Inc. prays for:

- 24 (a) a decree and judgment against RAM Hydraulic Manufacturing, LLC, and all in  
25 privity with it, that the Patents are valid and enforceable;  
26 (b) a decree and judgment against RAM Hydraulic Manufacturing, LLC, and all in  
privity with it, that such parties are liable as patent infringers;

27 //


- (c) a preliminary and final injunction against the continuing infringing activities;
- (d) an accounting for, and an assignment of, an award of profits derived by RAM Hydraulic Manufacturing, LLC, and damages suffered by TRIC Tools, Inc., in consequence of patent infringement;
- (e) a decree and judgment against RAM Hydraulic Manufacturing, LLC trebling the profits derived by RAM Hydraulic Manufacturing, LLC, and damages suffered by TRIC Tools, Inc. pursuant to 35 U.S.C. §284;
- (f) reasonable attorneys' fees as provided by 35 U.S.C. §285;
- (g) costs of suit;
- (h) prejudgment interest at the maximum rate allowed by law;
- (i) post judgment interest at the maximum rate allowed by law, from the date of the judgment until paid; and
- (j) any such other and further relief that the Court considers necessary and proper.

#### V. DEMAND FOR JURY TRIAL

In accordance with Civil Local Rule No. 3-6, TRIC Tools, Inc. requests for a trial by jury.

Law Offices of  
**WEISBERG & MILLER**

Dated: May 23, 2011

  
By: William S. Weisberg,  
attorneys for Plaintiff